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In re Patent No. 6,840,714
Issue Date: January 11, 2005
Application No. 10/621,537
Filed: July 17, 2003
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed March 9, 2009, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This patent expired at midnight January 11, 2009, for failure to pay the 3½ maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

Petitioner has submitted \$490 for payment of the 3½ year maintenance fee and \$65 for the surcharge fee. However, since the 3½ year maintenance fee payment was received outside the 6 months grace period the appropriate surcharge required under 37 CFR 1.20(i)(2) is \$1,640. Accordingly, the amount of \$65 will be applied towards the surcharge leaving a balance of \$1,575 that has to be paid prior to the reinstatement of the patent.

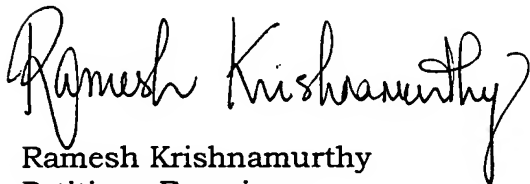
Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries should be directed to JoAnne Burke at (703) 571-272-4584.



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